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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES ALLEN ROBERTSON,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Case No. 1:20-cv-01332-BAM

STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES UNDER THE
EQUAL ACCESS TO JUSTICE ACT (EAJA)
28 U.S.C. § 2412(d)

TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE JUDGE OF
THE UNITED STATES DISTRICT COURT:

The Parties through their undersigned counsel, subject to the Court's approval, stipulate
that Plaintiff be awarded attorney fees in the amount of SEVEN THOUSAND, FIVE
HUNDRED DOLLARS and 00/100 (\$7,500.00) under the Equal Access to Justice Act (EAJA),

1 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on
2 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §
3 2412(d).

4 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
5 the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560
6 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
7 depend on whether the fees are subject to any offset allowed under the United States Department
8 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
9 determine whether they are subject to any offset.
10

11 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
12 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees
13 and expenses to be made directly to counsel, pursuant to the assignment executed by Plaintiff.
14 Any payments made shall be delivered to Plaintiff's counsel, Meghan O. Lambert at 521 Cedar
15 Way, Suite 200, Oakmont, Pennsylvania 15139.

16 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA fees,
17 and does not constitute an admission of liability on the part of Defendant under the EAJA.
18 Payment of SEVEN THOUSAND, FIVE HUNDRED DOLLARS and 00/100 (\$7,500.00) in
19 EAJA attorney fees. These payments shall constitute a complete release from, and bar to, any
20 and all claims that Plaintiff and Plaintiff's attorney, Meghan O. Lambert, may have relating to
21 EAJA attorney fees in connection with this action.

22 This award is without prejudice to the rights of Plaintiff's attorney to seek Social Security
23 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.
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Respectfully submitted,

Dated: April 21, 2022

/s/ Meghan O. Lambert
MEGHAN O. LAMBERT
Attorney for Plaintiff

Dated: April 21, 2022

PHILLIP A. TALBERT
Acting United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX
Social Security Administration

By: /s/ Daniel P. Talbert *
DANIEL P. TALBERT
Special Assistant U.S. Attorney
Attorneys for Defendant
(*Permission to use electronic signature
obtained via email on 4/21/22).

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"), 28 U.S.C. § 2412(d) filed on April 21, 2022 (Doc. No. 25.):

IT IS ORDERED that fees and expenses in the amount of SEVEN THOUSAND, FIVE HUNDRED DOLLARS and 00/100 (\$7,500.00), as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920 be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: April 22, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE